

REMARKS

The Office Action of November 8, 2010, has been carefully considered.

It is noted that claims 8, 10 and 11 are objected to for containing various informalities.

Claims 1-8, 10-12 and 14 are rejected under 35 USC 102 (b) over the patent to Mery, et al.

Claims 9, 13 and 17 are rejected under 35 USC 102 (b) or, in the alternative, under 35 USC 103 (a) over Mery, et al.

Claims 15 and 16 are rejected under 35 USC 103 (a) over Mery, et al. in view of the patent to Baumgartner, et al.

In view of the Examiner's objections to and rejections of the claims, Applicant has amended claims 1 and 8. Relative to the objection to claims 8, 10 and 11, Applicant wishes to point out that the phrase "more or less" does not appear in claim 8. Claims 9 and 10 were amended in the last filed amendment to remove this phrase. Applicant believes the Examiner may have been referring to the phrase "and/or" which is found on line 2 of claim 8. Applicant has amended claim 8 to remove this phrase.

In view of these considerations it is respectfully submitted that the objection to claims 8, 10 and 11 is overcome and should be withdrawn.

It is further respectfully submitted that the claims now on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the references.

Turning now to the references, and particularly to the patent to Mery, et al., it can be seen that this patent discloses a pad and torque support assembly for a disk brake. Applicant has amended the last paragraph of claim 1 to clarify that the minimum radial distance between the connecting device and the brake disk is shorter on the brake disk run-outside than on the brake disk run-inside. Mery, et al., particularly as seen in Figure 2, do not give any disclosure or suggestion as to the radial distances in the region in which the connecting device spans the brake disk, as presently recited in amended claim 1. The Figure that the Examiner has reproduced on page 4 of the Office Action does not refer to the minimum radial distance between the connecting device and the brake disk. Thus, Mery, et al. do not disclose the presently claimed invention.

In view of these considerations it is respectfully submitted that the rejection of claims 1-8, 10-12 and 14 under 35 USC 102 (b), and the rejection of claims 9, 13 and 17 under 35 USC 102 (b) or, in the alternative, under 35 USC 103 (a) over the above discussed reference are overcome and should be withdrawn.

The patent to Baumgartner, et al. has also been considered. Applicant submits that this reference adds nothing to the teachings

of Mery, et al. so as to suggest the presently claimed as discussed above in connection with the independent claim. Thus, it is respectfully submitted that the rejection of claims 15 and 16 under 35 USC 103 (a) is overcome and should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with the application may be charged to our Patent and Trademark Office Deposit Account No. 02-2275.

Respectfully submitted,


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CERTIFICATION OF EFS-WEB TRANSMISSION

I hereby certify that this paper is being EFS-Web transmitted to the U.S. Patent and Trademark Office, Alexandria, VA 22313-1450, on February 8, 2011.

February 8, 2011


Klaus P. Stoffel